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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,538	04/23/2001	Robert T. Love	CE08613R	3907
22917	7590	10/06/2003	EXAMINER	
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			EWART, JAMES D	
			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 10/06/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/840,538

Applicant(s)

LOVE ET AL.

Examiner

James D Ewart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Specification***

1. Page 1, Line 35 reads "equipment specifically" and should read "equipment specifically"

Page 5, Lines 28 and 29 reads "that prioritizes the prepares the users" and should read something like "that prioritizes and prepares the users"

Page 5, Lines 36 and 37 reads "metrics a fed into the scheduler which prepares the different transmission to the plurality of users" and should probably read something like "metrics are fed into the scheduler which prepares the different transmission metrics of the plurality of users"

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 - 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Le Strat et al. (US Patent No. 6,134,220).

Referring to claim 1, Le Strat et al teaches a method for scheduling a plurality of mobile units for data transmission (Column 8, Lines 42-45), the method comprising the steps of: determining a plurality of mobile units (Column 8, Lines 42-45) that require data

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transmission (Column 4, Lines 39-40); determine power control feedback information for each mobile unit within the plurality of mobile units that require data transmission (Column 10, Lines 1-9); and schedule the plurality of mobile units for data transmission based on their power control feedback information (Column 7, Lines 12-25).

Referring to claim 2, Le Strat et al further teaches the step of determining C/I information for each mobile unit within the plurality of mobile units and scheduling the plurality of mobile units additionally based on C/I (Column 7, Lines 4-5).

Referring to claim 3, Le Strat et al further teaches wherein the step of scheduling the plurality of mobile units for data transmission comprises the step of scheduling the plurality of mobile units for data transmission over a common channel shared by the plurality of mobile units (Column 10, Lines 38-49 and Column 14, Lines 60-62). GSM uses TDMA wherein data transmission is achieved over a common channel shared by a plurality of mobile units.

Referring to claim 4, Le Strat et al further teaches wherein the step of determining C/I information for each mobile unit comprises the step of determining feedback information of a common channel (Column 6, Lines 15-17).

Referring to claim 5, Le Strat et al teaches an apparatus for scheduling mobile units for data transmission (Column 8, Lines 42-45), the apparatus comprising: a channel statistic estimator (Column 15, Lines 1-35), wherein the channel statistic estimator has power control information for a plurality of mobile units as an input (Column 7, Lines 6-11) and outputs a power-control statistic based on the power control information (Column 7, Lines 4-5); a scheduler having the power-control statistic as an input and outputting scheduled mobile units based on the power control statistic (Column 7, Lines 12-25).

Referring to claim 6, Le Strat et al further teaches wherein the channel statistic estimator additionally has C/I feedback information for the plurality of mobile units as an input and outputs a statistic based on both power control and C/I information for each mobile unit (Column 15, Lines 1-35).

Referring to claim 7, Le Strat et al further teaches wherein the C/I information is C/I feedback information for a common channel shared by the plurality of mobile units (Column 10, Lines 38-49 and Column 14, Lines 60-62). GSM uses TDMA wherein data transmission is achieved over a common channel shared by a plurality of mobile units.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Austin U.S. Patent No. 6,608,827 discloses a method for increasing the communication capacity of a cellular telephone system.

Benkner et al U.S. Patent No. 6,023,623 discloses process for dynamic channel allocation in a mobile radio networks.

Bruckert et al. U.S. Patent No. 5,309,503 discloses dynamic channel assignment in a communication system.

Chillariga et al. U.S. Patent Pub. No. 2001/0030956 discloses dynamic channel allocation in multiple-access communication systems.

Chaung et al. U.S. Patent No. 6,052,594 discloses system and method for dynamically assigning channels for wireless packet communications.

Hamalainen et al. U.S. Patent No. 6,289,217 discloses adaptive radio link.

H'mimy et al. U.S. Patent No. 6,512,752 discloses adaptive carrier assignment in multiple reuse patterns for packet data systems based on service type and user location.

Olofsson et al. U.S. Patent No. 6,134,230 discloses method for selecting a link protocol for a transparent data service in a digital communication system.

Schramm et al. U.S. Patent No. 6,542,742 discloses cell selection in mobile radio systems.

Tong et al. U.S. Patent Pub. No. 2001/0038630 discloses multi-carrier arrangement for high speed data.

Tong et al U.S. Patent Pub. No. 2001/0033560 discloses flexible frame structures in adaptive high data rate wireless access systems.

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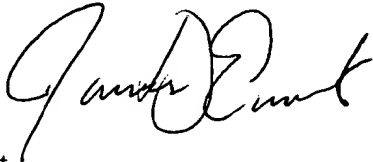
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Uddenfeldt et al. U.S. Patent No. 5,327,576 discloses handoff of a mobile station between half rate and full rate channels.


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James D Ewart whose telephone number is (703) 305-4826. The examiner can normally be reached on M-F 7am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703)308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-9508 for regular communications and (703)305-9508 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.



Ewart  
September 29, 2003



WILLIAM TROST  
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